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MAY 19 2014	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RUSSELL GATES,  
#1049607,

*Plaintiff,*

vs.

JEFF WELLS, *et al.*

*Defendants.*

3:13-cv-00228-MMD-VPC

ORDER

The Court having been advised that the case has not been resolved during the stay, this prisoner civil rights action shall proceed forward.

IT THEREFORE IS ORDERED THAT:

1. Upon the Court's finding that plaintiff is unable to pay a substantial initial partial filing fee, the application (#3, with #1-2) to proceed *in forma pauperis* is GRANTED, subject to the remaining provisions herein. Plaintiff shall not be required to pay an initial partial filing fee. However, even if this action is dismissed, plaintiff still must pay a full \$350.00 filing fee pursuant to 28 U.S.C. § 1915(b)(2).

2. Plaintiff is permitted to maintain this action to a conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting *in forma pauperis* status shall not extend to the issuance of subpoenas at government expense.

3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's account (in the months that the account exceeds \$10.00) until the full \$350.00 filing fee

1 has been paid for this action. The Clerk shall **SEND** a copy of this order to the Finance Division of the  
2 Clerk's Office. The Clerk shall also **SEND** a copy of this order to the attention of the **Chief of Inmate**  
3 **Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.**


4 4. The stay previously entered herein is lifted and that, within **twenty-one (21)** days of  
5 entry of this order, the Attorney General's Office shall file a notice advising the Court and plaintiff of:  
6 (a) the names of the defendant(s) for whom it accepts service; (b) the names of the defendant(s) for  
7 whom it does **not** accept service, **and** (c) the names of the defendant(s) for whom it is filing last-known-  
8 address information under seal. As to any of the named defendant(s) for whom the Attorney General's  
9 Office cannot accept service, the Office shall file, under seal, the last known address(es) of those  
10 defendant(s) for whom it has such information.

11 5. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a  
12 motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full  
13 name for the defendant(s). For the defendant(s) as to which the Attorney General has not provided  
14 last-known-address information, plaintiff shall provide the full name **and** address for the defendant(s).

15 6. If the Attorney General accepts service of process for any named defendant(s), such  
16 defendant(s) shall file and serve an answer or other response to the remaining claims within sixty (60)  
17 days from the date of this order.

18 7. That, henceforth, plaintiff shall serve upon defendants' counsel a copy of every pleading,  
19 motion or other document submitted for consideration by the Court and shall attach a certificate of such  
20 service with the paper submitted. Plaintiff shall direct service to the individual attorney named in the  
21 notice of appearance, at the address stated therein. The Court may disregard any paper received by a  
22 judge that has not been filed with the Clerk and any paper which fails to include a certificate showing  
23 proper service.

24 DATED: *May 19, 2014*

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WALERIE P. COOKE  
United States Magistrate Judge